

1 HOUSE BILL NO. 410

2 INTRODUCED BY R. SHAW

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN VEHICLE REGISTRATION FEES TO
 5 INCREASE FUNDS FOR NOXIOUS WEED CONTROL; CLARIFYING A DEFINITION; CLARIFYING THE USE
 6 AND ADMINISTRATION OF FUNDS; AND AMENDING SECTIONS 7-22-2101, 15-1-122, ~~AND~~ 61-3-321, AND
 7 80-7-814, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
 11 **Section 1.** Section 7-22-2101, MCA, is amended to read:
 12 **"7-22-2101. Definitions.** As used in this part, unless the context indicates otherwise, the following
 13 definitions apply:

- 14 (1) "Board" means a district weed board created under 7-22-2103.
 15 (2) "Commissioners" means the board of county commissioners.
 16 (3) "Coordinator" means the person employed by the county to conduct the district noxious weed
 17 management program and supervise other district employees.
 18 (4) "Department" means the department of agriculture provided for in 2-15-3001.
 19 (5) "District" means a weed management district organized under 7-22-2102.
 20 (6) "Native plant" means a plant indigenous to the state of Montana.
 21 (7) "Native plant community" means an assemblage of native plants occurring in a natural habitat.
 22 (8) (a) "Noxious weeds" or "weeds" means any exotic plant species established or that may be
 23 introduced in the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial
 24 uses or that may harm native plant communities and that is designated:
 25 (i) as a statewide noxious weed by rule of the department; or
 26 (ii) as a district noxious weed by a board, following public notice of intent and a public hearing.
 27 (b) A weed designated by rule of the department as a statewide noxious weed must be considered
 28 noxious in every district of the state.
 29 (9) "Person" means an individual, partnership, corporation, association, or state or local government
 30 agency or subdivision owning, occupying, or controlling any land, easement, or right-of-way, including any county,

1 state, or federally owned and controlled highway, drainage or irrigation ditch, spoil bank, barrow pit, or
 2 right-of-way for a canal or lateral.

3 (10) "Weed management" or "control" means the ~~planning and implementation of a coordinated program~~
 4 ~~for the containment, suppression, and, where possible, eradication of noxious weeds~~ use of an integrated weed
 5 management program for the enforcement, containment, suppression, and, where possible, eradication of
 6 noxious weeds. The long-term management and control of weeds through an integrated weed management
 7 program may be a combination of techniques, including hand-pulling, cultivation, use of herbicide, use of
 8 biological control, mechanical treatment, prescribed grazing, prescribed burning, education, prevention, and
 9 revegetation."

10

11 **Section 2.** Section 15-1-122, MCA, is amended to read:

12 **"15-1-122. (Bracketed language effective July 1, 2021) Fund transfers.** (1) There is transferred from
 13 the state general fund to the adoption services account, provided for in 42-2-105, a base amount of \$59,209, and
 14 the amount of the transfer must be increased by 10% in each succeeding fiscal year.

15 (2) For fiscal years 2016 through 2019, there is transferred \$1.275 million on an annual basis from the
 16 state general fund to the research and commercialization state special revenue account provided for in
 17 90-3-1002.

18 (3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or
 19 recipients indicated the following amounts:

20 (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, 1.48%
 21 of the motor vehicle revenue deposited in the state general fund in each fiscal year. The amount of 9.48% of the
 22 allocation in each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned
 23 vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as
 24 provided in 75-10-532.

25 (b) to the noxious weed state special revenue account provided for in 80-7-816, ~~4.50%~~ 2.42% of the
 26 motor vehicle revenue deposited in the state general fund in each fiscal year;

27 (c) to the department of fish, wildlife, and parks:

28 (i) 0.46% of the motor vehicle revenue deposited in the state general fund, with the applicable
 29 percentage to be:

30 (A) used to:

- 1 (I) acquire and maintain pumpout equipment and other boat facilities, 4.8% in each fiscal year;
- 2 (II) administer and enforce the provisions of Title 23, chapter 2, part 5, 19.1% in each fiscal year;
- 3 (III) enforce the provisions of 23-2-804, 11.1% in each fiscal year; and
- 4 (IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle
- 5 recreational use, 16.7% in each fiscal year; and
- 6 (B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 48.3% in
- 7 each fiscal year;
- 8 (ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50%
- 9 of the amount to be used for enforcing the purposes of Title 23, chapter 2, part 6, and 50% of the amount
- 10 designated for use in the development, maintenance, and operation of snowmobile facilities; and
- 11 (iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be
- 12 deposited in the motorboat account to be used as provided in 23-2-533;
- 13 (d) 0.81% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with
- 14 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be
- 15 deposited in the veterans' services account provided for in 10-2-112(1); and
- 16 (e) to the search and rescue account provided for in 10-3-801, 0.04% of the motor vehicle revenue
- 17 deposited in the state general fund in each fiscal year.
- 18 (4) The amount of \$200,000 is transferred from the state general fund to the livestock loss [reduction
- 19 and] mitigation restricted state special revenue account provided for in 81-1-112 in each fiscal year.
- 20 (5) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means
- 21 revenue received from:
- 22 (a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;
- 23 (b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered
- 24 pursuant to 61-3-321 and 61-3-562;
- 25 (c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and
- 26 (d) all money collected pursuant to 15-1-504(3).
- 27 (6) Except as provided in subsection (2), the amounts transferred from the general fund to the designated
- 28 recipient must be appropriated as state special revenue in the general appropriations act for the designated
- 29 purposes. (Bracketed language in subsection (4) effective July 1, 2021--sec. 8, Ch. 349, L. 2015.)"
- 30

1 **Section 3.** Section 61-3-321, MCA, is amended to read:

2 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
 3 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
 4 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
 5 semitrailers, and pole trailers as provided in subsections (2) through (20).

6 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light
 7 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

8 (a) if the vehicle is 4 or less years old, ~~\$217~~ \$219;

9 (b) if the vehicle is 5 through 10 years old, ~~\$87~~ \$88; and

10 (c) if the vehicle is 11 or more years old, ~~\$28~~ \$29.

11 (3) Except as provided in subsection (15), the one-time registration fee based on the declared weight
 12 of a trailer, semitrailer, or pole trailer is as follows:

13 (a) if the declared weight is less than 6,000 pounds, \$61.25; or

14 (b) if the declared weight is 6,000 pounds or more, \$148.25.

15 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
 16 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

17 (a) 2,850 pounds and over, \$10; and

18 (b) under 2,850 pounds, \$5.

19 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
 20 than a quadricycle or motorcycle is ~~\$61.25~~ \$63.25.

21 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

22 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

23 (i) less than 2 years old, \$282.50;

24 (ii) 2 years old and less than 5 years old, \$224.25;

25 (iii) 5 years old and less than 8 years old, \$132.50; and

26 (iv) 8 years old and older, \$97.50.

27 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
 28 under this section may permanently register the motor home upon payment of:

29 (i) a one-time registration fee of \$237.50;

30 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be

1 deposited in the account established under 61-6-158;

2 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

3 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
4 license plate under 61-3-465.

5 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and
6 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
7 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

8 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
9 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

10 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
11 length of the travel trailer, is as follows:

12 (a) under 16 feet in length, \$72; and

13 (b) 16 feet in length or longer, \$152.

14 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
15 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

16 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
17 \$65.50;

18 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
19 length, \$125.50; and

20 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

21 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a
22 snowmobile is \$60.50.

23 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
24 of daily rental to customers is assessed:

25 (A) a fee of \$40.50 in the first year of registration; and

26 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

27 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
28 registered and the business is assessed the registration fee imposed in subsection (11)(a).

29 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

30 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a

1 low-speed restricted driver's license is \$25.

2 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
3 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
4 which must be displayed visibly on the golf cart.

5 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
6 standard license plates, a new single standard license plate, or a replacement set of special license plates
7 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
8 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
9 paid if the vehicle to which the plates are transferred is not currently registered.

10 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
11 number from license plates issued before January 1, 2010, when replacement of those plates is required under
12 61-3-332(3).

13 (c) The fees imposed in this subsection (13) must be deposited in the account established under
14 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

15 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
16 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
17 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
18 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
19 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.

20 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
21 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
22 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle
23 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
24 fees imposed under this section.

25 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

26 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
27 in the state general fund.

28 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the
29 enumerated vehicles or vessels that constitute inventory of the dealership.

30 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of

1 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
 2 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
 3 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
 4 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing
 5 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

6 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
 7 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
 8 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
 9 be collected.

10 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
 11 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
 12 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
 13 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
 14 election to pay the additional fee on one or more of the light vehicles.

15 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
 16 to a different person.

17 (20) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
 18 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
 19 collected and forwarded to the state for deposit in the account established in 44-1-504.

20 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
 21 61-3-721."

22

23 **SECTION 4. SECTION 80-7-814, MCA, IS AMENDED TO READ:**

24 **"80-7-814. Administration and expenditure of funds.** (1) The provisions of this section constitute the
 25 noxious weed management program.

26 (2) (a) Except as provided in subsection (2)(b), money deposited in the noxious weed management trust
 27 fund may not be committed or expended until the principal reaches \$10 million.

28 (b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the
 29 members of each house of the legislature may appropriate principal from the trust fund.

30 (c) Interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be

1 deposited in the noxious weed management special revenue fund and may be expended for noxious weed
2 management projects before the principal of the noxious weed management trust reaches \$10 million with a
3 majority vote of each house of the legislature.

4 (d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended
5 upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the
6 department. The department shall use any reverted funds for future grant awards, provided the noxious weed
7 management trust fund principal exceeds \$10 million as provided in subsection (2)(a).

8 (e) The department may not apply for or receive grant awards from the noxious weed management
9 special revenue fund.

10 (3) The principal of the noxious weed management trust fund in excess of \$10 million may be
11 appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of \$10
12 million may be used only to fund the noxious weed management program.

13 (4) The department may expend funds under this section through grants or contracts to communities,
14 weed management districts, or other entities that it considers appropriate for noxious weed management projects.
15 A project is eligible to receive funds only if the county in which the project occurs has funded its own weed
16 management program using one of the following methods, whichever is less:

17 (a) levying an amount of not less than 1.6 mills or an equivalent amount from another source; or

18 (b) appropriating an amount of not less than \$100,000 from any source.

19 (5) The department may expend funds without the restrictions specified in subsection (4) for the
20 following:

21 (a) employment of a new and innovative noxious weed management project or the development,
22 implementation, or demonstration of any noxious weed management project that may be proposed, implemented,
23 or established by local, state, tribal, or national organizations, whether public or private. The expenditures must
24 be on a cost-share basis with the organizations.

25 (b) cost-share noxious weed management programs with local weed management districts, including
26 with authorized units of tribal governments;

27 (c) special grants to local weed management districts, including to authorized units of tribal governments,
28 to eradicate or contain significant noxious weeds newly introduced into the county. These grants may be issued
29 without matching funds from the district.

30 (d) costs incurred by the department for administering the noxious weed management program as

1 follows:

2 (i) In fiscal year 2014, the funds used by the department for administering the program, including but not
3 limited to personal services costs, operating costs, and other administrative and program costs attributable to the
4 program, may not exceed 16% of the total amount expended through grants and contracts made under
5 subsection (4). No additional administrative or other costs may be taken by the department on reverted funds
6 used for future grant awards.

7 (ii) In fiscal year 2015 and in each succeeding fiscal year, the funds used by the department for
8 administering the program, including but not limited to personal services costs, operating costs, and other
9 administrative and program costs attributable to the program, may not exceed ~~12%~~ 6% of the total amount of
10 grants and contracts awarded from the noxious weed management special revenue fund under subsection (4)
11 in the previous fiscal year. No additional administrative or other costs may be taken by the department on reverted
12 funds used for future grant awards.

13 (e) administrative expenses incurred by the noxious weed management advisory council;

14 (f) a project recommended by the noxious weed management advisory council, if the department
15 determines that the project will significantly contribute to the management of noxious weeds within the state; and

16 (g) grants to the agricultural experiment station and the cooperative extension service for crop weed
17 management research, evaluation, and education.

18 (6) The agricultural experiment station and cooperative extension service shall submit annual reports
19 on current projects and future plans to the noxious weed management advisory council.

20 (7) In making expenditures under subsections (3) through (5), the department shall give preference to
21 weed management districts and community groups, including authorized units of tribal governments.

22 (8) If the noxious weed management trust fund is terminated by constitutional amendment, the money
23 in the fund must be divided between all counties according to rules adopted by the department for that purpose."
24

25 NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2017.

26

27 NEW SECTION. SECTION 6. APPLICABILITY. (1) [THIS ACT] APPLIES TO GENERAL FUND TRANSFERS TO THE
28 NOXIOUS WEED STATE SPECIAL REVENUE ACCOUNT IN [SECTION 2] BEGINNING FISCAL YEAR 2018 AND TO MOTOR VEHICLE
29 REGISTRATION FEES IN [SECTION 3] COLLECTED BEGINNING JULY 1, 2017.

30 (2) [THIS ACT] APPLIES TO DEPARTMENT USE OF NOXIOUS WEED MANAGEMENT TRUST FUNDS FOR ADMINISTERING

1 THE NOXIOUS WEED MANAGEMENT PROGRAM IN 80-7-814 BEGINNING IN FISCAL YEAR 2019.

2 - END -